REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 48-64 are pending. Claims 48, 56, and 63 are independent. The remaining claims depend, directly or indirectly, from claims 48, 56, and 63.

Claim Amendments

Independent claims 48, 56, and 63 are amended for purposes of clarification. No new matter is added by way of these amendments, as support may be found, for example, at least on page 16, lines 28-31, page 21 and page 29 of the Specification.

Rejection(s) under 35 U.S.C. § 102

Claims 48-49, 51-57, and 59-62 are rejected as being anticipated over DVB Document A038, "Specification for Service Information (SI) in Digital Video Broadcasting (DVB) Systems" March 1998 ("DVB"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The claimed invention relates to a transport stream carrying a plurality of services and an application data table for each application carried by the plurality of services. The application involved in the claimed invention is an interactive executable piece of code, as opposed to a broadcast program that is shown on a set top box (television). *See* Specification, page 16, lines 28-31, and pages 21 and 29 (discussing that the applications are Java applications). Each service operates more or less independently and contains all applications needed by that service. The

use of a single table, the application data table, which contains information regarding application data across a plurality of services, enables a decoder to define its operation in relation to such applications according to a number of different factors. *See* Specification, pages 1-3.

Accordingly, independent claims 48 and 56 as amended, require, in part, (i) wherein the at least one application is an executable interactive application configured to execute on a decoder.

Turning to the rejection, "[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, "[t]he identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants assert that DVB fails to disclose the limitation required by (i) above.

Specifically, the DVB standard defines a service as a set of digital data managed by an operator and broadcasted in a transport stream through terrestrial, satellite, or cable transmission means to a plurality of receivers/decoders. That is, DVB discloses only broadcast programs. The set of digital data disclosed in DVB corresponds to television programs and radio programs. Accordingly, Applicants respectfully assert DVB fails to disclose any type of executable piece of code or interactive application that is executed by the plurality of decoders in DVB. A broadcast program is not an executable interactive application because it is merely decoded and shown on a television screen and involves no interactive request or response from a user. In addition, a broadcast application is not an executable entity (*i.e.,* executable code, such as a Java application as discussed on pages 21 and 29 of the Specification). Thus, Applicant asserts that it is not reasonable to consider that an application as defined in the present Specification could be equivalent to a broadcast program, particularly because in the context of the present invention,

applications are executable entities, and the amended claims clearly recite that the application is executable and interactive.

It logically follows from the above that DVB also fails to disclose providing an application data table containing information regarding said at least one application carried by each of a plurality of the services, as required by the independent claims. Because the application is DVB is itself not equivalent to the application as claimed, it is not possible for DVB to provide a table containing information for such an interactive, executable application carried by a service.

In view of the above, it is clear that DVB fails to anticipate the amended independent claims. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claim 63

Independent claim 63 is rejected under 35 U.S.C. § 103(a) as being unpatentable over DVB in view of US Patent No. 5,978,855 ("Metz"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, DVB fails to disclose or render obvious the limitations of amended independent claims 48 and 56. Independent claim 63 is amended to include similar subject matter and is patentable over DVB for at least the same reasons described above. Further, Metz fails to disclose or otherwise provide that which DVB lacks. Specifically, Metz fails to disclose or render obvious an application data table (ADT) for an interactive executable application that contains information for that application. In fact, Metz only discloses terminating a non-resident

downloaded application after a user has completed using the application. *See* Metz, col. 41, ll. 58-64.

In view of the above, it is clear that the Examiner's contentions fail to support an obviousness rejection of amended independent claim 63. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 50 and 58

Claims 50 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DVB in view of US Patent No. 6,526,508 ("Akins"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, DVB fails to disclose or render obvious the limitations of amended independent claims 48 and 56. Further, Akins fails to disclose or otherwise provide that which DVB lacks. Specifically, Akins fails to disclose or render obvious an application data table (ADT) for an interactive executable application that contains information for that application. In fact, Akins only discloses security measurements implemented for downloaded applications. *See* Akins, col. 5, ll. 41-59.

In view of the above, it is clear that the Examiner's contentions fail to support an obviousness rejection of amended independent claims 48 and 56. Pending dependent claims 50 and 58 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 64

Claim 64 is rejected under 35 U.S.C. § 103(a) as being unpatentable over DVB in view of Metz and Akins. As described above, none of DVB, Metz, and Akins discloses the
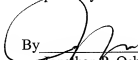
limitations of amended independent claim 63. Thus, it is clear that the Examiner's contentions fail to support an obviousness rejection of amended independent claim 63. Dependent claim 64 is patentable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [11345/030001]).

Dated: July 20, 2009   Respectfully submitted,

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